

1                                   **UNITED STATES DISTRICT COURT**

2                                   **DISTRICT OF NEVADA**

3           UNITED STATES OF AMERICA,

Case No.: 2:06-cr-00160-APG-RJJ

4                   Plaintiff

**Order Denying Certificate of Appealability**

5           v.

6           FALASHA ALI,

7                   Defendant

8

9           Defendant Falasha Ali has appealed my order denying his motions to set aside the  
10 November 2010 judgment. ECF Nos. 106, 177, 178, 180. That appeal has been assigned  
11 appellate case number 18-17009. ECF No. 181. The Ninth Circuit has indicated that a briefing  
12 schedule in case number 18-17009 will not be entered until I determine whether to issue a  
13 certificate of appealability. *Id.*

14           To obtain a certificate of appealability, Ali “must make a substantial showing of the  
15 denial of a constitutional right, a demonstration that . . . includes showing that reasonable jurists  
16 could debate whether (or, for that matter, agree that) the petition should have been resolved in a  
17 different manner or that the issues presented were adequate to deserve encouragement to proceed  
18 further.” *Slack v. McDaniel*, 529 U.S. 473, 483-84 (2000) (quotation omitted). Because  
19 reasonable jurists could not debate these motions were properly denied, I deny a certificate of  
20 appealability for case number 18-17009.

21           However, I note that I previously granted a certificate of appealability of my order  
22 denying Ali’s § 2255 motion filed in 2017. ECF No. 165. That case has been assigned appeal  
23 number 17-16777 at the Ninth Circuit. ECF No. 171.

1 IT IS THEREFORE ORDERED that I **DENY** a certificate of appealability for appellate  
2 case number 18-17009.

3 DATED this 22nd day of October, 2018.

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6 ANDREW P. GORDON  
7 UNITED STATES DISTRICT JUDGE  
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